

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cr-100-MOC**

UNITED STATES OF AMERICA,

v.

**ERICK YAHIR RODRIGUEZ-
SALOMON,**

Defendant.

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ORDER

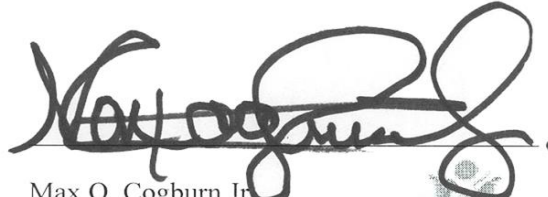
THIS MATTER is before the Court on Defendant's pro se Motion for Reduction of Sentence under 18 U.S.C. § 3582(c)(2). (Doc. No. 164). Per the Court's order, the Government has responded in opposition to the motion. (Doc. No. 166). For the following reasons, Defendant's Motion is **DENIED**.

Defendant seeks a reduction in his sentence under 18 U.S.C. § 3582(c)(2). Section 3582(c)(2) authorizes a court to reduce a sentence "based on a sentencing range that has subsequently been lowered by the Sentencing Commission," if a reduction is consistent with applicable policy statements issued by the Sentencing Commission. Defendant has not identified any guideline amendment listed by the Commission as retroactively applicable. See U.S.S.G. § 1B1.10(a)(1), (d). Instead, Defendant seeks a reduction based on sentencing benefits that he asserts are not available to him as a deportable alien. (Doc. No. 164 at 2–4). Because section 3582(c)(2) does not authorize a reduction based on the grounds Defendant asserts, Defendant is not eligible for the sentence reduction he requests, and the Court will thus deny Defendant's motion.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's pro se Motion for Reduction of Sentence, (Doc. No. 164), is **DENIED**.

Signed: July 13, 2022



Max O. Cogburn Jr.
United States District Judge